

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MCCLURKEN ET AL Examiner: UNKNOWN
Serial No.: 10/773,503 Group Art Unit: UNKNOWN
Filed: FEBRUARY 6, 2004 Docket: 13045.20USC1
Due Date: MAY 6, 2004
Title: ELECTROSURGICAL DEVICE HAVING A TISSUE REDUCTION SENSOR

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2004.

By: Rebecca Raills
Name: Rebecca Raills

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Information Disclosure Statement, Form 1449
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Mara E. Liepa
Name: Mara E. Liepa
Reg. No.: 40,066
MELIEPA:rlr



S/N 10/773,503

PATENT

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By: Rebecca Ralls
Name: Rebecca Ralls

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/802,288 filed on March 8, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

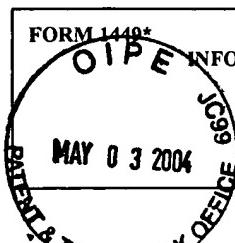
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Date: April, 28, 2004

By Mara E. Liepa
Mara E. Liepa
Reg. No. 40,066
MEL:rlr

23552

PATENT TRADEMARK OFFICE

 O I P E INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) MAY 03 2004 PATENT TRADEMARK OFFICE 669 JCS	Docket Number: 13045.20USC1	Application Number: 10/773,503
	Applicant: McCLURKEN	
	Filing Date: 02/06/04	Group Art Unit: Unknown

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,458,596	10/17/1995	Lax et al.			
	5,514,130	05/07/1996	Baker			
	5,569,242	10/29/1996	Lax et al.			
	5,660,836	08/26/1997	Knowlton			
	5,755,753	05/26/1998	Knowlton			
	5,785,705	07/28/1998	Baker			
	5,843,078	12/01/1998	Sharkey			
	5,871,524	02/16/1999	Knowlton			
	5,919,219	07/06/1999	Knowlton			
	5,954,716	09/21/1999	Sharkey et al.			
	6,033,398	03/07/2000	Farley et al.			
	6,035,238	03/07/2000	Ingle et al.			
	6,081,749	06/27/2000	Ingle et al.			
	6,091,995	07/18/2000	Ingle et al.			
	6,440,130	08/2002	Mulier et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
✗	WO 00/62727	10/26/00	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

✗		Finger, P. et al., "Heat Shrinkage of Extraocular Muscle Tendon", <i>Arch. Ophthalmol.</i> , Vol. 105, No. 5, pp. 716-718 (May 1987).
✗		Selecky, M. et al., "The Effects of Laser-Induced Collagen Shortening on the Biomechanical Properties of the Inferior Glenohumeral Ligament Complex", <i>Am. J. Sports Med.</i> , Vol. 27, No. 2, pp. 168-172 (March/April 1999).
✗		Vangsness Jr., C. et al., "Collagen Shortening", <i>Clinical Orthopaedics and Related Research</i> , No. 337, pp. 267 - 271 (1997).
✗		Wall, M. et al., "Thermal Modification of Collagen", <i>Journal of Shoulder and Elbow Surgery</i> , Vol. 8, No. 4, pp. 339-344 (July/August 1999).

23552 PATENT TRADEMARK OFFICE	
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

✗ Did not receive